BILL NO. 2006-40 1 2 ORDINANCE NO. 3 AN ORDINANCE TO PROHIBIT VOMITING, URINATING, OR DEFECATING IN CERTAIN PLACES, AS WELL AS RELATED ACTIVITIES, AND TO PROVIDE FOR OTHER RELATED 4 MATTERS. Proposed by: Bradford R. Jerbic, City Attorney 5 Summary: Prohibits vomiting, urinating, or defecating in certain places, as well as related 6 activities. 7 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN 8 AS FOLLOWS: 9 SECTION 1: Title 10, Chapter 40, Section 40, of the Municipal Code of the City of 10 Las Vegas, Nevada, 1983 Edition, is hereby repealed. 11 SECTION 2: Title 10, Chapter 40, of the Municipal Code of the City of Las Vegas, 12 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 40, reading as follows: 13 10.40.040: For purposes of this Section: 14 (A) 15 "Appropriate sanitary facility" means a urinal, toilet, commode or other (1) facility that accommodates or is designed for the sanitary disposal of human bodily fluids or waste and 16 17 that is enclosed from public view. "Public place" means any walkway, street, highway, sidewalk, bridge, 18 (2) 19 overpass, alley or alleyway, plaza, park, driveway, transportation facility, park, recreational area, parking lot, vacant or undeveloped lot or the stairwells, alcoves, doorways and entrance ways to such 20 21 places. 22 (3) "Verified medical condition" does not include alcoholism or the 23 excessive consumption of alcohol. 24 (B) Any person who vomits, urinates or defecates in, on or about any of the 25 following places, other than in an appropriate sanitary facility, is guilty of a misdemeanor: 26 (1) Any public place; 27 (2) Any private property into or upon which the public is admitted by 28 easement or license; or

- (3) Any private property without the consent of the owner.
- (C) It is an affirmative defense to an offense described in Subsection (B) that such person then suffered from an verified medical condition which necessitated or caused such action.
- (D) It is unlawful for any person who has vomited, urinated or defecated in, on or about any public place, other than in an appropriate sanitary facility, to fail to clean or remove the material deposited, or to fail to dispose of the material used in the cleaning or removal process in a container designed for such disposal as required under Title 9. Such action must be taken immediately or as is otherwise immediately practicable under the attendant circumstances.
- (E) It is unlawful for any person to knowingly establish, maintain or fail to relocate a temporary, portable or open sleeping quarters within five hundred feet of any deposit of vomit, urine or feces, other than a deposit in an appropriate sanitary facility, in any of the following places:
 - (1) Any public place; or
- (2) Any private property into or upon which the public is admitted by easement or license.

SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 4: Whenever in this ordinance any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such

1	fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.				
2	SECTION 5: All ordinances or parts of ordinances or sections, subsections, phrases,				
3	sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,				
4	1983 Edition, in conflict herewith are hereby repealed.				
5	PASSED, ADOPTED and APPROVED this	day of	_, 2006.		
6	APPROV	ED:			
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8	$\frac{\mathrm{By}}{\mathrm{OSCA}}$	R B. GOODMAN, Mayor			
9	ATTEST:				
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11	BARBARA JO RONEMUS, City Clerk				
12	APPROVED AS TO FORM:				
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4	thereafter the said as		aid ordinance on the day of
5			meeting of said Council; that at said
6			ance was read by title to the City Council
7		adopted by the following vote:	like was read by thre to the City Council
8	VOTING "AYE":		
9	VOTING "NAY":		
10	ABSENT:		
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14		$\frac{\text{By}}{\text{OS}}$	SCAR B. GOODMAN, Mayor
15	ATTEST:		,, ,,
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17	BARBARA JO RONE	MUS, City Clerk	
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